

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA ORANGEBURG DIVISION	
STAN WLOCH, Plaintiff, v. GREAT AMERICAN INSURANCE COMPANY, Defendant.	C.A. No.: <u>5:17-01786-JMC</u>
	NOTICE AND PETITION FOR REMOVAL

TO: UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA, COLUMBIA DIVISION; AND ALL PARTIES AND ATTORNEYS OF RECORD:

Pursuant to U.S.C. §§ 1332, 1441 and 1446 and Local Civil Rule 83.IV.01-.02, the Defendant above named, Great American Insurance Company (hereinafter “Defendant”), reserving the right to file a Motion to Transfer Venue pursuant to 28 U.S.C. § 1404(a), hereby files this Notice of Removal of this action from the Court of Common Pleas, State of South Carolina, County of Calhoun C/A, No. 2017-CP-09-00098, to the United States District Court, District of South Carolina, Orangeburg Division. In support thereof, Defendant would respectfully show unto this Honorable Court as follows:

1. On or about May 31, 2017, Plaintiff commenced an action in the Court of Common Pleas, State of South Carolina, County of Calhoun, bearing Civil Action Number 2017-CP-09-00098 (the “State Court Action”).
2. Defendant was first served with a Summons and Complaint in the State Court Action on June 14, 2017, a true and correct copy of which are attached as “**Exhibit A**” and incorporated herein by reference. These are the only documents that have been served on the Defendant in this matter.

3. This removal is timely under 28 U.S.C. §1446(b) in that it is filed within thirty (30) days after receipt by the Defendant of the Summons and Complaint.

4. The Complaint pleads several causes of action, including: breach of contract, bad faith, and negligence.

5. This Court has original jurisdiction of this action pursuant to 28 U.S.C. §1332(a), and the action is removable under 28 U.S.C. §1441, in that there is complete diversity of citizenship among the parties and, upon information and belief, the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

a. According to allegation of the Complaint, Plaintiff is a citizen and resident of the State of Tennessee. Therefore, for purposes of 28 U.S.C. §§1332 and 1441, Plaintiff is a citizen of the State of Tennessee.

b. At the time this action was commenced and at all times since, Defendant is a foreign corporation organized and existing under the laws of the State of Ohio with its corporate headquarters at 301 E Forth St. Cincinnati, OH 45202. Therefore, for purposes of 28 U.S.C. §1332 and 28 U.S.C. §1441, Defendant is a citizen only of the State of Ohio.

e. Upon information and belief, the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs, based on the allegations, injuries, and damages (including alleged punitive damages) asserted in Plaintiff's Complaint. Specifically, Plaintiff alleges that he is entitled to recover actual and certain consequential damages as well as punitive damages. *See, Complaint, ¶¶ 17 and 20.*

7. The Defendant files with this Notice of Removal a copy of all process, pleadings and other papers served upon it in this action.

8. As required by 28 U.S.C. §1446(d) and Local Civil Rule 83.IV.01-.02, the Defendant will promptly provide a copy of this Notice of Removal to Plaintiff's counsel, Carl Jacobson, and file a copy of this Notice of Removal with the Clerk of the South Carolina Court of Common Pleas, County of Calhoun.

WHEREFORE, Defendant, having met the requirement of 28 U.S.C. §§1332, 1441, and 1446, gives notice that this action is removed from the Court of Common Pleas, Calhoun County, to this United States District Court for the District of South Carolina, Orangeburg Division, for the exercise of jurisdiction over this action as though this action had originally been instituted in this Court.

Respectfully submitted this 7th day of June 2017.

SMITH MOORE LEATHERWOOD LLP

s/ H. Michael Bowers

H. Michael Bowers (Fed I.D. # 1417)
J. Bennett Crites, III (Fed I.D. # 9401)
Mary B. Ramsay (Fed. I.D. #11449)
25 Calhoun Street, Suite 250
Charleston, South Carolina 29401
Ph. 843.300.6600
Fax 843.300.6700
Mike.bowers@smithmoorelaw.com
Bennett.crites@smithmoorelaw.com
Mary.ramsay@smithmoorelaw.com

Attorneys for Defendant Great American Insurance Company

CHARLESTON 94384